

0480 - Correction Department

Interim Progress Report

for the reporting period July 1, 2003 - December 31, 2003

Section I. Agency Update and Assessment

1. Emerging Issues at the Federal (National) or State level affecting the agency.

a) Elimination of federal funding for the Residential Substance Abuse Treatment (RSAT) program. This grant pays for a 226-bed intensive treatment program for the most seriously drug dependent inmates in state prisons. This provides approximately \$640,000 per year and pays for fourteen positions. This is an agency mission-critical program that will need to be continued with state funding.

b) Federal Prison Rape Elimination Act of 2003 - This legislation will result in identification and adoption of national standards that every state will be "required" to implement or will be considered to demonstrate deliberate indifference. The law makes rape prevention in prison a top priority, and states that do not provide significant resources to detect, prevent and reduce rape and punish offenders will risk losing federal funding.

c) Department of Justice - potential lawsuit. ADC has received notice of alleged health and safety deficiencies resulting from an investigation of the Grimes/McPherson Units at Newport. The Attorney General is handling responses to the investigation and negotiations for corrective actions in an attempt to avoid a federal lawsuit. These corrective actions are requiring ADC to commit resources that will be a top priority request during the biennial budget process.

d) Health Initiatives – In August last year, it appeared as though the Centers for Disease Control (CDC) might require testing and vaccination for hepatitis for all prison inmates. While this did not come to pass, we had estimated the cost of compliance to be approximately \$4 million. In the future, it is imperative that the state seeks federal requirements to fund future CDC mandates.

e) Educational Funding/Supreme Court Issue – An issue faced by all state agencies - potential budget reductions could have a devastating impact on our ability to fulfill our mission to provide public safety.

2. Status of any new initiatives funded from General Revenue or General Improvement funds in the 2003 Legislative Sessions and other changes made through General Legislation.

a) General Revenue Initiatives

> Provided continuing level for existing programs.

> Implemented COLA and insurance increases costing approximately \$4.5 million (merit adjustment funding of \$3.34 million). CLIP was not implemented for FY04 due to lack of projected funding as salary savings are utilized to pay balances of compensatory and overtime to officers.

> Provided Medical Services contract increases of \$4.5 million.

> Provided full year staffing and operational expenses for Phase III of the Varner Super Max (156 new beds).

> Provided staffing and operational expenses of 400-bed expansion of Grimes Unit.

> Provided Capital Outlay totaling \$812,000 for costs associated with opening new beds and replacement of essential capital equipment.

> Disbursed \$1,406,542 million from salary savings for payment of banked balances of overtime and compensatory time through Dec. 31, 2003.

> Disbursed \$4,890,856 million of \$10.8 million provided for county jail reimbursements through Dec. 31, 2003.

b) General Improvement Initiatives

- > Mandatory Debt Obligations - \$12 million for Farm Replacement – Through December 31, the Governor had released \$3 million and Farm receipts totaled \$3,573,515.
- > Mandatory Debt Obligation - \$6.4 million for ABA Lease Payments on Malvern/Newport facilities. \$3.2 million was released for payment in November.
- > Maintenance/Construction/Equipping - \$2 million included in Revenue Stabilization. Request was submitted to Governor in November 2003 for release of \$1 million for equipment replacement – no response received to date.

c) General Legislation

- > TVP Program for Males – The Department of Community Corrections (DCC) is constructing a 300-bed facility to be used to house parolees normally returned to ADC for technical parole violations. The program is scheduled to begin approximately January 1, 2005 and is expected to diminish the need for additional space in ADC.
- > TVP Program for Females – DCC also opened a female TVP program on November 1, 2003. To date they have taken in 26 technical violators that would otherwise be on the ADC jail backlog list. Our female backlog on November 1 was 106 and had dropped to 81 as of January 16.
- > New County Jail Reimbursements Process – Act 370 of 2003 provided that funds be appropriated to the “County Jail Reimbursement Fund” (a separate line in Revenue Stabilization) to be used to reimburse counties for housing state inmates. It also established a new process for invoicing and certifying inmates housed in local jails. Funding is projected to be sufficient for FY04 expenses, but could be as much as \$8 million short for FY05.
- > Expanded EPA (Act 1721 of 2003) – the Board of Corrections has exercised this authority twice during FY03 resulting in a release of only 124 inmates within 1 year of their TE date. Early expectations were that a more significant number would be released on early parole supervision, but those projections have fallen short because many of the short term (3 years or less), non-violent offenders are unaffected as they are already eligible for the regular EPA.
- > Sex Offender Screening and Risk Assessment (SOSRA) Program – ADC assumed responsibility for SOSRA following the 1999 Legislative Session. At that time there were 1,945 registered sex offenders in Arkansas. 8 additional positions needed to handle the work load was requested during the last biennium budget process but were not funded. Today there are 4,991 registered sex offenders in Arkansas. 605 are delinquent in meeting the requirements, 298 are not locatable. We have completed assessments on 2,697 as of December 31. The Post Prison Transfer Board will not release serious sex offenders until assessments can be completed. There are over 600 sex offenders currently past or within 6 months of their TE date. This increases the cost of incarceration of offenders who could be supervised in the community.

3. Discuss significant factors internal and external to the agency affecting agency performance.

a) Internal

> Turnover of correctional officers continues to be a major concern at the all units. While we have made significant progress on our agency workforce goal, this is dependent upon sufficient funding to continue paying balances of compensatory and overtime pay on at least a quarterly basis.

b) External

> Parole Revocations – A recent ADC recidivism study for the period 1997-1999 shows that parole violators account for an average of 54.4% of all inmates returned to prison. Technical parole violators nearly double parole violators with new time and triple the return rate of discharged inmates reconvicted. The Department of Community Corrections administers parole services and the Post Prison Transfer Board determines parole revocations.

4. Provide comments on the usefulness and reliability of performance measures.

The performance measures included in the ADC Strategic Plan are useful in evaluating broad areas of each agency program, and the measures are relevant to mission critical operations. Data collection and calculations of results are based on standards previously established by ADC for monitoring performance and are accurate and verifiable.

5. Discuss significant uses of line item flexibility in this report period (agencies operating under Performance-Based Appropriations only).

Program 1: ADC Administration

Goal 1: To manage and coordinate resources for a diverse system of corrections.

Objective 1: Provide department-wide administrative, managerial and legal support activities that assure managerial oversight and allocation of correctional resources, the attainment of agency program objectives and compliance with ADC Administrative Regulations and Directives and with state statutory and procedural requirements.

| <u>Measure Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|-----------------------|--|----------------------|-------------------|--|
| 1 | Percent Attainment of overall agency program objectives | 95% | 59.80% | |
| 2 | Number prior year audit findings repeated in subsequent audit | 0 | One (1) in FY02 | ADC staff will continue efforts to safeguard equipment |
| 3 | Percent of Administrative Program staff compared to total agency positions | ≤4.0% | 3.04% | |
| 4 | % Of Administrative Program budget compared to total agency positions | ≤10% | 3.40% | |
| 5 | % Of reported allegations of inmate abuse or criminal activity investigated by Internal Affairs and appropriate action taken | 100% | 100% | |
| 6 | Correction Officer Turnover Rate | 30% | 32.84% | significant progress is being made |
| 7 | ACA accreditation of ADC Training Academy | Accredited | Accredited | |
| 8 | Agency IT budget as % of total agency budget | 2% | 1.47% | |
| 9 | # of information systems maintained by agency staff or contractual services | 3 | 3 | |

Comments on performance matters related to Objective 1:

Program 2: Inmate Care and Custody

Goal 1: To provide for the cost efficient, safe, secure and humane incarceration of inmates sentenced by the courts.

Objective 1: Administer, staff and operate all security classifications of institutions/units in compliance with all state statutory requirements, administrative regulations, directives, and unit policies required to meet ACA accreditation or required standards.

Measure

| <u>Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|---------------|---|----------------------|-------------------|---|
| 1 | All state-owned institutions are accredited by the ACA (excludes only Texarkana and NW AR Work Release Centers) | Accredited | Accredited | |
| 2 | Regional jail operations meet state standards | Pass | Pass | |
| 3 | Average increase in inmate cost per day | ≤3% | 3.60% | |
| 4 | Ratio of correctional officers positions (security posts) to inmates | 6.1 - 1 | 5.52 to 1.0 | |
| 5 | Ratio of correctional officers (filled security post positions) to inmates | 6.8 – 1 | 6.54 to 1.0 | |
| 6 | % Of positive random screenings for illegal substances | ≤5% | 3.26% | |
| 7 | Institutional rated bed capacity (including jail beds, temporary beds and beds under construction | 13,118 | 12,866 | lack of funding in FY03 delayed bed opening and construction schedule |
| 8 | Inmate Population Growth Projections as of July 1 (beginning of each fiscal year) | 13,606 | 13,293 | Growth in CY03 was 274 (23 per month). Projection was based on 480 (40) per |
| 9 | % Of inmate population growth projection attributable to Act 1326 of 1995 | 16.5% | 21% | |

Comments on performance matters related to Objective 1:

Program 2: Inmate Care and Custody

Goal 1: To provide for the cost efficient, safe, secure and humane incarceration of inmates sentenced by the courts.

Objective 2: Institutional Support Services functions enhance prison operations and appropriate classification and population management of inmates results in the efficient utilization of available bed capacity and meets institutional labor requirements (including farm and industry programs).

Measure

| <u>Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|---------------|--|----------------------|-------------------|--|
| 1 | % Utilization of available beds, with provisions for classification/movement | 98% | 97.14% | lack of intake space and the opening of 200 new beds interfered with meeting |
| 2 | Average % cost savings realized on construction and renovation projects utilizing inmate labor | 40% | 54% | |

Comments on performance matters related to Objective 2:

Program 2: Inmate Care and Custody

Goal 1: To provide for the cost efficient, safe, secure and humane incarceration of inmates sentenced by the courts.

Objective 3: Commissary operations provide inmates the opportunity to purchase approved health, grooming and food items in accordance with applicable laws and policy directives.

Measure

| <u>Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|---------------|---|----------------------|-------------------|---|
| 1 | Expected % gross profit for each commissary operation | 17% - 19% | 16% | methodology revised to meet variances from 13% to |

Comments on performance matters related to Objective 3:

Program 2: Inmate Care and Custody

Goal 1: To provide for the cost efficient, safe, secure and humane incarceration of inmates sentenced by the courts.

Objective 4: Obtain and provide reimbursement to city and county jails for housing state inmates as a result of a contractual agreement or in the event that upon commitment to the Arkansas Department of Correction bed space is insufficient.

Measure

| <u>Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|---------------|---|----------------------|-------------------|--|
| 1 | Average number of inmates assigned to Act 309 program (maximum of 280) | 275 | 278 | |
| 2 | Average County Jail backup (number of inmates awaiting transfer to ADC) | 500 | 1,068 | lack of funding in FY03 increased backlog for FY04 |

Comments on performance matters related to Objective 4:

Program 2: Inmate Care and Custody

Goal 2: To maximize inmate participation in work opportunities.

Objective 1: Provide inmate work opportunities that benefit both inmates and communities through employment and community service in a manner that facilitates maximum participation and promotes successful completion prior to release from confinement.

Measure

| <u>Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|---------------|---|----------------------|-------------------|----------------------------|
| 1 | % Workable inmates assigned to institutional work programs (ACI and Farm Programs included) | 100% | 100% | |
| 2 | % Utilization of available work release slots | 98% | 100% | |
| 3 | % Of Work Release Program costs reimbursed by collection of fees from inmates | 20% | 34% | |
| 4 | Projected value of regional maintenance program to public agencies | \$1,841,746 | 921,644.00 | For a six (6) month period |

Comments on performance matters related to Objective 1:

Program 3: Health and Correctional Programs

Goal 1: Provide relevant, effective and cost-efficient health and correctional programs.

Objective 1: Health Care services are available for all inmates and are needs based, appropriately licensed or accredited, reviewed for quality, evaluated as to process and outcome, and cost controlled.

Measure

| <u>Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|---------------|---|----------------------|-------------------|---|
| 1 | Health care facilities accredited by ACA | Accredited | Accredited | |
| 2 | % Of medical grievances appealed to ADC found without merit | 95% | 79.60% | |
| 3 | Average Cost per inmate for Medical, Dental, and Mental Health Care | ≤6% | 4.25% | |
| 4 | Recidivism rate | ≤52.1% | 52.10% | based on a 3 year study |
| 5 | Recidivism rate for inmates receiving at least 1 program | 3% less than Average | X | "N.D.A." a methodology is currently being developed |

Comments on performance matters related to Objective 1:

Program 3: Health and Correctional Programs

Goal 1: Provide relevant, effective and cost-efficient health and correctional programs.

Objective 2: Mental Health services, including crisis intervention services, are provided to all inmates through appropriate evaluation, diagnosis, and treatment.

Measure

| <u>Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|---------------|---|--------------------------|--------------------------|---|
| 1 | Average cost per inmate for Medical, Dental, and Mental Health Care | 6% | 4.25% | |
| 2 | Recidivism rate | ≤52.1% | 52.10% | based on a 3 year study |
| 3 | Recidivism rate for inmates receiving at least 1 program | 3% less than Average | X | "N.D.A." a methodology is currently being developed |
| 4 | % Of inmates completing programs in which they are enrolled | 75% | 52% | average of all programs taken by inmates |
| 5 | # of eligible inmates on waiting lists and average length of time an eligible inmate is on a waiting list for a treatment program | <150%capacity <90days | 64% capacity and 90 days | average of all programs taken by inmates within ADC |
| 6 | ratio of residential program counselors to inmates | 1 – 17 | Eighteen | average of ALL programs (staff to inmate ratio) |
| 7 | % Of target inmate population receiving priority need program prior to PE/TE date | 100% | 100% | |

Comments on performance matters related to Objective 2:

Program 3: Health and Correctional Programs

Goal 1: Provide relevant, effective and cost-efficient health and correctional programs.

Objective 3: Substance Abuse Treatment Programs (SATP) are available to all inmates based on needs assessment.

| <u>Measure Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|-----------------------|---|--------------------------|--------------------------|---|
| 1 | Recidivism rate | ≤52.1% | 52.10% | based on a 3 year study |
| 2 | Recidivism rate for inmates receiving at least 1 program | 3% less than Average | X | "N.D.A." a methodology is currently being developed |
| 3 | % Of inmates completing programs in which they are enrolled | 75% | 69% | programs average of SATP and Therapeutic Community |
| 4 | # of eligible inmates on waiting lists and average length of time an eligible inmate is on a waiting list for a treatment program | <150%capacity <90days | 125 capacity and 98 days | programs average of SATP and Therapeutic Community |
| 5 | Ratio of residential program counselors to inmates | 1-17 | Nineteen | programs average of SATP and Therapeutic Community |
| 6 | % Of target inmate population receiving priority need program prior to PE/TE date | <30% | X | "N.D.A." a Needs Assessment program was established late 2003 |

Comments on performance matters related to Objective 3:

Program 3: Health and Correctional Programs

Goal 1: Provide relevant, effective and cost-efficient health and correctional programs.

Objective 4: A Reduction of Sexual Victimization Program (RSVP) is available to assist sex offenders in understanding, managing, and controlling sexually deviant behavior.

Measure

| <u>Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|---------------|--|--------------------------------|--------------------------|--|
| 1 | Recidivism rate | ≤52.1% | 52.10% | based on a 3 year study |
| 2 | Recidivism rate for inmates receiving at least 1 program | 3% less than Average | X | "N.D.A." a methodology is currently being developed |
| 3 | % Of inmates completing programs in which they are enrolled | 75% | 47% | RSVP Only |
| 4 | Goal 1, Objectives 2, 3, 4, 5 (Outcome) # of eligible inmates on waiting lists and average length of time an eligible inmate is on a waiting list for a treatment program | <150% of capacity < 90 days | 63 capacity and 195 days | RSVP Only |
| 5 | % Of target inmate population receiving priority need program prior to PE/TE date | 15% | X | "N.D.A. a Needs Assessment program was established late 2003 |

Comments on performance matters related to Objective 4:

Note: "RSVP" is the Reduction of Sexual Victimization Program (RSVP)

Program 3: Health and Correctional Programs

Goal 1: Provide relevant, effective and cost-efficient health and correctional programs.

Objective 5: Religious services and materials, counseling and crisis services are available for all inmates.

| <u>Measure Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|-----------------------|---|---------------------------|--------------------------|---|
| 1 | Recidivism rate | ≤52.1% | 52.10% | based on a 3 year study |
| 2 | Recidivism rate for inmates receiving at least 1 program | 3% less than Average | X | "N.D.A." a methodology is currently being developed |
| 3 | % Of inmates completing programs in which they are enrolled | 75% | 24.30% | based on 6 month period |
| 4 | # of eligible inmates on waiting lists and average length of time an eligible inmate is on a waiting list for a treatment program | <150% of capacity < 90 | 60% capacity and 46 days | based on 6 month period |
| 5 | Ratio of faith-based representatives to inmate population | 1 - 750 | 1 - 495 | number includes state paid, non-state and volunteers |
| 6 | # Of faith-based, life-skills programs implemented in various institutions | 4 | 8 | |
| 7 | % Of target inmate population receiving priority need program prior to PE/TE date | ≥50% | X | "N.D.A." a Needs Assessment program was established late 2003 |

Comments on performance matters related to Objective 5:

Program 3: Health and Correctional Programs

Goal 1: Provide relevant, effective and cost-efficient health and correctional programs.

Objective 6: Provide educational opportunities that assure assignment of inmates to Board-mandated General Education Development (GED) programs and other remedial services to inmates in a manner that facilitates maximum participation and promotes successful completion of GED prior to release from confinement.

Measure

| <u>Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|---------------|---|----------------------|-------------------|---|
| 1 | Standardized testing of inmates will reflect at least one month academic progress for each month enrolled in school | 1 – 1 | 0.75 | 3 months gain on testing divided by average length of stay in school of 4 months. |
| 2 | # of inmates receiving GEDs | 700 | 603 | 2002 thru 2003 school year |
| 3 | number of inmates receiving vocational training certificates | 100 | 83 | based on 6 month completion |
| 4 | % Utilization of available vocational training slots | 80% | 91% | |
| 5 | % Utilization of available college course slots | 100% | 267% | increased funding and self-paid inmates increased |
| 6 | # Inmates enrolled in college courses (contingent on availability of federal funding) | 65 | 174 | slots were added with increase in New Port Unit beds |

Comments on performance matters related to Objective 6:

Program 3: Health and Correctional Programs

Goal 2: To conduct assessments of sex offenders as statutorily required by ACA §12-12-901 through 920 and §12-12-1301 through 1303.

Objective 1: Assess the risk to the public posed by sex offenders or sexually violent predators who are required to register in accordance with the Sex and Child Offender Registration Act (ACA §12-12-901, et seq.).

Measure

| <u>Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|---------------|---|----------------------|-------------------|--|
| 1 | Overall # of Sex Offender Assessments Completed | 2750 | 2,697 | |
| 2 | % of total projected assessments completed | 100% | 98% | requested funding denied resulting in lack of staffing |

Comments on performance matters related to Objective 1:

Program 4: ADC Farm

Goal 1: Administer and coordinate agriculture and livestock operations that provide useful and meaningful work for inmates, produce sufficient cost-efficient food for inmate consumption, and maximize revenues from production and sales of marketable field crops and livestock.

Objective 1: Administrative and managerial activities support achievement of program objectives as evidenced by monthly/annual farm report, income statement, and balance sheet.

Measure

| <u>Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|---------------|---|------------------------|-------------------|---|
| 1 | # of inmate jobs provided | 449 | 451 | |
| 2 | % Of operational costs generated by overall sales from farm operations, federal farm subsidies, and allowable state consumption reimbursement | 100% | 100% | |
| 3 | value of food produced and consumed by inmates | Minimum of \$3,600,000 | \$5.1 Million | food consumed above \$3.6 million is not reimbursed |
| 4 | Field crop and livestock yield comparison to local private operations | Equals or exceeds | Exceeds | |

Comments on performance matters related to Objective 1:

Program 5: ADC Industry

Goal 1: Administer and operate Arkansas Correctional Industries in an efficient and cost-effective manner that provides inmates assigned to the Industry Program with productive and significant training opportunities.

Objective 1: Administrative, managerial, and quality assurance activities support achievement of program objectives as evidenced by monthly/annual income statements for each industry operation, profits from sales of industry products and services are sufficient to support annual operations of the Industry Program and the Inmate Care and Custody program as may be necessary and the number of work-related jobs provided meets needs for operation of all industry programs.

| <u>Measure Number</u> | <u>Performance Indicators</u> | <u>Annual Target</u> | <u>Actual YTD</u> | <u>Comments</u> |
|-----------------------|---|----------------------|-------------------|---|
| 1 | # Of inmate work related jobs provided | 578 | 505 | Garment factory did not open as planned |
| 2 | # Of inmates receiving vocational certificates and/or vocational proficiency certification through an ACI Program | 58 | 66 | |
| 3 | % Operational costs generated by overall sales from ACI programs | 100% | 100% | |

Comments on performance matters related to Objective 1: